

- Policy -

Stormwater Management and County Zoning/Plat Review

Waukesha County Department of Parks & Land Use

Background & Authority:

Stormwater management is a vital component to the planning process for subdivisions and other large developments. Stormwater management practices cannot be effective if they are “shoe-horned” into a site plan after decisions have already been made on the location of all other structures (i.e. roads, buildings, parking lots, retaining walls, etc.). To address this concern, the Waukesha County Park and Planning Commission and the Department of Parks and Land Use adopted a policy that requires preliminary stormwater management plans to be prepared for preliminary plats and certain zoning processes. The authority for the policy is based on the following:

- State Statutes Chapter 236 allows using site drainage in plat review criteria. Waukesha County has exercised its authority in defining this element through County Code Chapter 11 (Stormwater & Erosion Control Ordinance).
- Under Chapter 11, subdivisions and other construction sites noted below are all triggers for a Stormwater Management & Erosion Control Permit. The intent of Chapter 11 cannot be effectively accomplished if road layouts and other structures have already been approved through a separate zoning or platting process. This policy institutes a cross-compliance check within the department. One permit, plat or plan will not be approved until the department can ensure it does not prevent compliance with other permit requirements within the department. By code, we will consider this an incomplete submittal and deny the application.

***Note:** In addition to the policy described below, the department strongly encourages conducting a joint project review meeting, and possible site visit, with the project contact person, engineer, conservationist, and planners during the concept planning stage - **prior to the submittal of a preliminary plat**. This will help identify stormwater management, erosion control, access, and other planning related issues that need to be addressed to accomplish development objectives.*

The Policy: (Adopted 12-20-01/Amended 1-10-02 by the Waukesha County Park and Planning Commission)

Prior to approving any preliminary plat, the Planning and Zoning Division (PZD) requires a **Preliminary Review Letter** from the Land Resources Division (LRD) regarding **preliminary stormwater management & erosion control plans**. This same requirement applies to certified survey maps, conditional use permits, plan of operations, variances and zoning under the jurisdiction of the PZD and/or the county Park and Planning Commission, for those sites where the proposed activity has the potential to meet any of the following criteria:

1. Disturbs land surface of 1 acre or more; or
2. Adds 1/2 acre or more of impervious surfaces to a site (for entire site/development schedule); or
3. Other activity that may have **significant negative impacts** on adjacent properties or water resources due to soil erosion or stormwater runoff. (***Note:** County staff will make this determination within 5 working days of a completed application, based on guidelines to be established.*)

Upon receipt of preliminary stormwater management plans, the LRD will have **10 working days** to deliver a preliminary review letter to the PZD. The preliminary review letter will include any applicable recommendations for plan revisions and conditions for approval. (***Note:** A project that meets any of these criteria is also subject to a separate erosion control and stormwater management permit and fee through the LRD.*)

If the LRD does not receive a preliminary stormwater management plan, requires more information to complete their review, or files an objection to the plan submitted, the Park and Planning Commission and/or the Planning and Zoning Division will do one of the following:

1. At the request of the applicant, **grant an extension** to the review period to allow the issues to be addressed in a revised submittal; or
2. **Deny** the application.

If the LRD fails to respond within the stated deadlines, this policy will no longer apply and the project review process will continue without a preliminary review letter. Any revised submittal that causes significant changes to the original plan, as determined by the Land Resources Division, will again be subject to the 10-day review period.